

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JINJA J. KYNG PARIAH JOHNSON,

Plaintiff,

-against-

ROBERT McCLAIN, et al.,

Defendants.

22-CV-8685 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated June 14, 2023, the Court dismissed Plaintiff's federal claims for failure to state a claim, under 28 U.S.C. § 1915(e)(2)(B)(ii), and declined to exercise jurisdiction of her supplemental state law claims. (ECF 6.) The Court also granted Plaintiff thirty days' leave to file an amended complaint. After Plaintiff failed to file an amended complaint within the time allowed, the Clerk of Court entered judgment on July 28, 2023. (ECF 7.) Two weeks later, on August 11, 2023, Plaintiff filed a notice of appeal, a motion for an extension of time to file a notice of appeal, and a motion for leave to proceed *in forma pauperis* ("IFP") on appeal. (ECF Nos. 8-10.)

Under Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure, a notice of appeal in a civil case must be filed within thirty days after entry of judgment. Because Plaintiff's August 11, 2023 notice of appeal was filed within thirty days after entry of judgment, the notice of appeal is timely, and a motion for extension of time to appeal is unnecessary. Accordingly, Plaintiff's motion for extension of time to appeal is denied as moot.

The Court also denies the motion for leave to proceed IFP on appeal as moot because the Court already ruled in its order of dismissal that IFP status is denied for the purposes of an appeal. (See ECF 6.) Plaintiff may file an application in the Court of Appeals to proceed IFP.

CONCLUSION

Plaintiff's motion for an extension of time to file a notice of appeal (ECF 9) is denied as moot. Plaintiff's motion for leave to appeal IFP on appeal (ECF 10) also is denied as moot.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: August 16, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge